

FEDERAL COMMUNICATIONS COMMISSION

CLASS OF STATION FM

VFA

The following application is submitted for action by the Chief, Broadcast Bureau.

ST	FILE NUMBER	CALL	APPLICANT AND LOCATION	NATURE OF APPLICATION
FL	BPH -890103MD N/M	NEW 99.5MHZ	JUPITER BROADCASTING CORP. JUPITER FL	CP FOR NEW FM ON: FREQUENCY: 99.5 MHZ., ERP: 3.0 KW H&V, HAAT: 100 METERS H&V, 26 56 40 80 05 30 MUTUALLY EXCLUSIVE WITH A RENEWAL WKSJ IN JUPITER, FLORIDA.

LICENSE EXPIRATION DATE _____

CHIEF, LICENSE DIVISION

RECOMMENDATION: GRANT() CONSTRUCTION DATES, START _____ END _____
 CONTESTED () UNCONTESTED ()

APPROVED _____

FOR CHIEF, BROADCAST BUREAU

F.C.C.-WASHINGTON, D.C.

Tenderability Defects

- (A) Form 301 older than 1982
(after May 1, 1987 only the
new form may be used, Oct. 86)
- (C) Community or channel of
allocation omitted--§I, Item 2
- *(E) No exhibit provided if response
to §II, Item 5 thru 8 is YES
- *(G) No exhibit provided if response
to §II, Item 9(b) is YES
- (I) Community to be served
omitted--§V-B, Item 1
- (K) Coordinates of antenna, omitted
--§ V-B, Item 2(b)
- (M) Radiation-center height
omitted--§V-B, any of Item 7(b)
- (O) Failure to respond re directional
antenna--§V-B, Item 10
- (Q) Map showing community to be served,
distance scale, and signal contours
omitted--§V-B, Item 16 (Exhibit)
- (S) Applicant's signature
missing--§VII, pg. 2
- *(U) No public-notice
certification--§VII,
Item 1
- †(W) No Allotment, filed prior to
window opening, or filed after
window has closed
- * Not applicable to minor-change applications.
- † Not applicable where minor-change application proposes no
change in site or in supporting structure.
- (B) No name or address- §I Item 1
- *(D) No response re multiple
ownership -§II, Item 5 thru
8
- *(F) No certification re 47 U.S.C.
§310(b)- §II, Item 9
- *(H) No financial certification-
§III, Item 1
- (J) Channel of allocation
omitted--§V-B, Item 1
- (L) Effective radiated power
not specified--§V-B, Item
9(a)
- †(N) Radiation-center height in
§V-B, any of Item 7, con-
flicts with antenna sketch
§V-B, Item 8 (Exhibit)
- (P) No exhibit provided if
response to §V-B, Item 10
is YES
- †(R) Topographic site map with
scale of distance, coordi-
nate markings, and contour
lines per Public Notice
4/5/85, Mimeo 3693 not
supplied--§V-B, Item 15
(Exhibit)
- †(T) Antenna sketch omitted--
§V-B, Item 8, or conflicts
with § V-B, Item 7
- †(V) No site-availability
certification Section VII,
Item 2

OK
SVC
4/6/89

Entered
on 2.109
4/8/89
JCF

Jupiter FL
BPH 890103MD

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

IN REPLY REFER TO:

8920-_____

In re: City, State _____
Applicant _____
Channel _____
Call Sign _____
File No. _____

Dear Applicant:

Upon review of your application, we have found it not sufficient for tender for the following reason; Tenderability Defect Codes _____
(See attachment for explanation).

Accordingly, your application is HEREBY RETURNED. The remaining copies of the application will be retained at the Commission.

Sincerely,

Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

Attachment: Tenderability Defects

Enclosure

LEIBOWITZ & SPENCER

A Partnership of Professional Corporations

ORIGINAL

MATTHEW L. LEIBOWITZ, P.A.

JOHN M. SPENCER, P.C. *

JOSEPH A. BELISLE

K. PATRICK MEEHAN

OF COUNSEL

SANFORD L. BOHRER

SID DAVIDOFF *

JEROME M. BECKER *

100 E. 42nd Street
New York, N.Y. 10017

* NOT ADMITTED TO
FLORIDA BAR

Suite 501
3050 Biscayne Boulevard
Miami, Florida 33137
(305) 576-7973

Telecopier (305) 576-7980

Suite 500
1000 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 293-4093

Telecopier (202) 872-0604

RECEIVED

JAN 05 1989

FCC
FEE SECTION

December 30, 1988

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: Jupiter Broadcasting Corp.
Application for FM Construction Permit
Our File No. 6651

Dear Ms. Searcy:

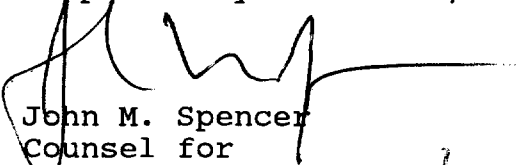
On behalf of Jupiter Broadcasting Corp., enclosed please find in triplicate an application for construction permit for a new FM station at Jupiter, Florida. Please note that this application is mutually exclusive with the renewal application for existing station WKSJ, Jupiter, Florida, in that it seeks assignment of the same channel authorized for WKSJ (previously channel 244A, then channel 296A, and now channel 258A).

Also please note that applicant's correct name is Jupiter Broadcasting Corp., despite an inadvertent variation in the engineering materials prepared for this application.

Attached hereto is applicant's check number 7 for \$1,800, the application fee specified by Rule 1.1104.

If there are any questions about this application, please communicate with the undersigned.

Respectfully submitted,


John M. Spencer
Counsel for
Jupiter Broadcasting Corp.

JMS/hs

Enclosures (4)

99.5MHZ
-8901034D NEW
BPH
JUPITER
JUPITER BROADCASTING CORP.
FL

RECEIVED

JAN 6 1989

FM EXAMINERS

APPLICATION FOR CONSTRUCTION PERMIT FOR
COMMERCIAL BROADCAST STATION
(carefully read instructions before filling form)
Return only form to FCC

04026113	
FEE NO:	
FEE TYPE: MFN	
FEE AMT: \$	1800.00
ID SEQ: 17	Street Address or P.O. Box

For Commission Use Only

BPH-890108MD

File No.

Code 31
PP. 1/17/89

Section I - GENERAL INFORMATION

1. Name of Applicant

Jupiter Broadcasting Corp.

Street Address or P.O. Box

1260 West Third Street

City	State	ZIP Code	Telephone No. (Include Area Code)
Riviera Beach	FL	33404	(407) 881-7460

Send notices and communications to the following named person at the address below:

Name	Street Address or P.O. Box
Charles E. Reid*	same as above

City	State	ZIP Code	Telephone No. (Include Area Code)
			()

2. This application is for:

☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency:	(b) Principal Community:	City	State
258A 99.5		Jupiter	FL

(c) Check one of the following boxes:

- ☒ Application for NEW station
- ☐ MAJOR change in licensed facilities; call sign:
- ☐ MINOR change in licensed facilities; call sign:
- ☐ MAJOR modification of construction permit; call sign: JAN 03 1989
- File No. of Construction Permit: FCC FEE SECTION
- ☐ MINOR modification of construction permit; call sign:
- File No. of Construction Permit:
- ☐ AMENDMENT to pending application; Application file number:

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?

☒ Yes ☐ No

If Yes, state:

Call letters:

Community of License:

City

State

WKSJ

Jupiter

FL

* with a copy to: Joseph Belisle, Esquire, 3050 Biscayne Blvd.,
Suite 501, Miami, Florida 33137

Name of Applicant

Jupiter Broadcasting Corp.

1. Applicant is: (check one block below)

☐

Individual

☐

General partnership

☒

For-profit corporation

☐

Other

☐

Limited partnership

☐

Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.

N/A

NOTE: The terms "applicant" and "parties to this application" are defined in the Instructions for Section II of this form. Complete information as to each "party to this application" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. Complete, if applicable, the following certifications:

- (a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

☐Yes
N/A☐

No

If No, applicant must complete Question 4 below with respect to all limited partners actively involved in the media activities of the partnership.

- (b) Does any investment company (as defined by 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐

Yes

☒

No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐Yes
N/A☐

No

4. List the applicant and, if other than a natural person, its officers, directors, stockholders and partners with attributable interests. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully—The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interests.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable media interests subject to the multiple ownership restrictions of Sections 73.3555 and 76.501 of the Commission's Rules, including the nature and size of such interests.
8. All other ownership interests of 5% or more, whether or not attributable, as well as any corporate officership or directorship in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in Sections 73.3555 and 76.501 of the Commission's Rules, including the nature and size of such interests and the positions held.

1.	Charles E. Reid 1260 West Third Street Riviera Beach, FL 33407		
2.	USA		
3.	President, Treasurer, Secretary, Director		
4.	15 Shares		
5.	15 Votes		
6.	100%		
7.	See Exhibit 1		
8.	See Exhibit 1		

5. Does the applicant or any party to this application have, or have they had, any interest in:

(a) a broadcast application pending before the Commission?

☐ Yes ☒ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☒ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

Exhibit No.

N/A

If the answer to any of the questions in (a)–(e) above is Yes, state in an Exhibit the following information:

- (1) Name of party having interest;
- (2) Nature of interest or connection, giving dates;
- (3) Call letters of stations or file number of application or docket; and
- (4) Location.

6. (a) Are any of the parties to this application related (as *husband, wife, father, mother, brother, sister, son or daughter*) either to each other or to individuals holding nonattributable interests of 5% or more in the applicant?

☐ Yes ☒ No

(b) Does any member of the immediate family (*i.e., husband, wife, father, mother, brother, sister, son or daughter*) of any party to this application have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see *Section 73.3555(c)*) or, in the case of a television station applicant only, a cable television system in the same area (see *Section 76.501(a)*)?

☐ Yes ☒ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

N/A

Exhibit No.

1

7. State in an Exhibit, any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

OTHER MASS MEDIA INTERESTS

8. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See *Instruction B to Section II.*)

☐ Yes ☒ No

(b) Does any member of the immediate family (*i.e., husband, wife, father, mother, brother, sister, son or daughter*) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see *Section 73.3555 (c)*) or, in the case of a television station applicant only, a cable television system in the same area (see *Section 76.501(a)*)?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.

N/A

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

9. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See *Instruction C to Section II.*)

☐ Yes ☒ No

- (b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No
Exhibit No.

N/A

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

10. (a) Has an adverse finding been made or an adverse final action taken by any court or administrative body as to the applicant or any party to this application in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

- (b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

N/A

Section III

FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

☒ Yes ☐ No

Section IV

PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.

2

Section VI

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full time employees?

☒ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Model EEO Program (FCC 396-A).

Section VII

CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of Section 73.3580 of the Commission's Rules?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No
Exhibit No.

N/A

If No, attach as an Exhibit, a full explanation.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Matthew Bressler

Name of Person Contacted

(407) 747-3800

Telephone No. (include area code)

Person contacted: (check one box below)

☐

Owner

☒

Owner's Agent

☐

Other (specify)


Applicant's Signature

December 30, 1988
Date

The **APPLICANT** hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The **APPLICANT** acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The **APPLICANT** represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with Section 1.65 of the Commission's Rules, the **APPLICANT** has a continuing obligation to advise the Commission, through amendments, or any substantial and significant changes in information furnished.

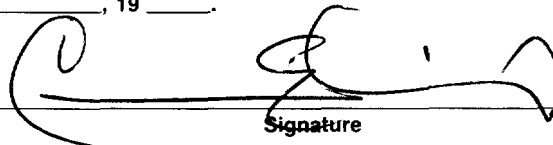
**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 30th day of December, 19 88.

Jupiter Broadcasting Corp.

Name of Applicant



Signature

President

Title

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

**THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3)
AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.**

EXHIBIT 1

Along with Michael James and William Washington, Charles E. Reid is an owner of a cable radio station transmitted over the CATV system in Palm Beach and Martin Counties, Florida. Each owns one-third of this cable radio station, and Mr. Reid is its general manager. In the event Jupiter Broadcasting Corp.'s application is granted, Mr. Reid will divest all ownership interest in and sever all connection with his cable radio business.

EXHIBIT 2

PROGRAM SERVICE STATEMENT

The applicant will devote a reasonable portion of its broadcast time to programs addressing the problems interests and needs of its service area. Whenever the applicant's station broadcast a viewpoint concerning a controversial issue of public importance, contrasting views on the issue will be present in the station's overall programming.

EXHIBIT E
ENGINEERING STATEMENT
ON BEHALF OF
JUPITER BROADCASTING INC.
IN SUPPORT OF AN APPLICATION FOR
A NEW FM STATION
CH. 258-A 99.5 MHz. 3 kW 100 METERS
JUPITER, FLORIDA

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EXHIBIT E
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FIGURES INDEX

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FIGURE 6	-----	FAA FORM 7460-1

Section V-B FM BROADCAST ENGINEERING DATA	For Commission Use Only File No. _____ ASB Referral Date _____ Referred by _____
---	--

Name of Applicant

JUPITER BROADCASTING, INC.

Call letters (if issued) NOT ISSUED	Is this application being filed in response to a window? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, specify closing date: <u>DOES NOT APPLY</u>
--	--

Purpose of Application (check appropriate box(es))

- | | |
|--|---|
| <input checked="" type="checkbox"/> Construct a new (main) facility | <input type="checkbox"/> Construct a new auxiliary facility |
| <input type="checkbox"/> Modify existing construction permit for main facility | <input type="checkbox"/> Modify existing construction permit for auxiliary facility |
| <input type="checkbox"/> Modify licensed main facility | <input type="checkbox"/> Modify licensed auxiliary facility |

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

- | | |
|---|--|
| <input type="checkbox"/> Antenna supporting-structure height | <input type="checkbox"/> Effective radiated power |
| <input type="checkbox"/> Antenna height above average terrain | <input type="checkbox"/> Frequency |
| <input type="checkbox"/> Antenna location | <input type="checkbox"/> Class |
| <input type="checkbox"/> Main studio location | <input type="checkbox"/> Other (summarize briefly) |

File Number(s) _____

1. Allocation:

Channel No.	City	Principal Community to be served: County	State	Class (check only one box below)
<u>258</u>	<u>JUPITER</u>	<u>PALM BEACH</u>	<u>FL</u>	<input checked="" type="checkbox"/> A <input type="checkbox"/> B1 <input type="checkbox"/> B <input type="checkbox"/> C2 <input type="checkbox"/> C1 <input type="checkbox"/> C

2. Exact location of antenna.

- (a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.
 APPROXIMATELY .12 KM DUE EAST OF STATE ROAD 811, ADJACENT TO JUPITER INLET WATERWAY, CITY OF JUPITER, PALM BEACH COUNTY, FLORIDA
- (b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude 26 ° 56 ' 40 " Longitude 80 ° 05 ' 30 "

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? ☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both.

DOES NOT APPLY

If proposal involves a change in height of an existing structure, specify existing height, above ground level, including antenna, all other appurtenances, and lighting, if any.

NEW CONSTRUCTION, DOES NOT APPLY

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list old coordinates. DOES NOT APPLY

Latitude _____° _____' _____"

Longitude _____° _____' _____"

5. Has the FAA been notified of the proposed construction?

☒ Yes ☐ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Date DECEMBER 27, 1988Office where filed SOUTHERN REGIONAL FAA OFFICE
EAST POINT, GA

Exhibit No.

E

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to the nearest point of the nearest runway.

Landing Area	Distance (km)	Bearing (degrees True)
(a) <u>PALM BEACH-MARTIN COUNTY HELIPORT</u>	<u>2.40KM</u>	<u>189.2°</u>
(b) _____	_____	_____

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level; 0 meters(2) of the top of supporting structure above ground (including antenna, and all other appurtenances, and lighting, if any); and 109 meters(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)] 109 meters

- (b) Height of radiation center: (to the nearest meter) H - Horizontal V - Vertical

(1) above ground 103 meters (H)103 meters (V)(2) above mean sea level [(a)(1) + (b)(1)] 103 meters (H)103 meters (V)(3) above average terrain 100 meters (H)100 meters (V)

Exhibit No.

E

8. Attach as an Exhibit sketch(es) of items 7(a), 7(b)(1) and 7(b)(2) above. If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

9. Effective Radiated Power:

(a) ERP in the horizontal plane 3.0 kw (H*)3.0 kw (V*)

- (b) Is beam tilt proposed?

☐ Yes ☒ No

Exhibit No.

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

DNA

DNA kw (H*)DNA kw (V*)

*Polarization

10. Is a directional antenna proposed?

☐ Yes ☒ No
Exhibit No.

DNA

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316(d), and if applicable Section 73.213(c), including plot(s) and tabulations of horizontal and vertical radiated components in dBk and relative field.

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?

☒ Yes ☐ No
Exhibit No.

DNA

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.16 mV/m service.

12. Will the main studio be within the boundaries of the principal community to be served?

☒ Yes ☐ No
Exhibit No.

DNA

If No, attach as an Exhibit justification to 47 C.F.R. Section 73.1125.

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?

☒ Yes ☐ No

(b) If the answer to (a) is No does 47 C.F.R. Section 73.213 apply?

DOES NOT APPLY ☐ Yes ☐ No
Exhibit No.

DNA

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of any previous waivers.

Exhibit No.

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

DNA

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☒ Yes ☐ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)

Exhibit No.

E

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V. The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.

E

16. Attach as an Exhibit (name the source) a map which shows clearly, legibly and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

E

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) The 3.16 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 1865 sq. km.

Population 141,998

Exhibit No.

DNA

18. For an application involving an auxiliary facility *only*, attach as an Exhibit a map (*Sectional Aeronautical Chart or equivalent*) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.313)

Source of terrain data: (check only one box below)

☒

Linearly interpolated 30-second database

☐

7.5 minute topographic map

(Source: N G D C)

☐

Other (briefly summarize)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances	
		To the 3.16 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
208°	98	13.3	24.0
0	99	13.4	24.1
45	103	13.7	24.6
90	103	13.7	24.6
135	103	13.7	24.6
180	99	13.4	24.1
225	98	13.3	24.0
270	101	13.5	24.3
315	103	13.7	24.6

*Radial through principal community, if not one of the major radials. This radial should **NOT** be included in calculation of HAAT.

20. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact?

☐

Yes

☒

No

Exhibit No.

DNA

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

If No, explain briefly why not. CATEGORICALLY EXCLUDED FROM ENVIRONMENTAL PROCESSING PURSUANT TO SECTION 1.1306 OF THE FCC RULES. SEE EXHIBIT E FOR DISCUSSION AND NON-IONIZED RADIATION CALCULATIONS.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and have found it to be accurate and true to the best of my knowledge and belief.

KENNETH DEVINE

Name (Typed or Printed)



Signature

DECEMBER 28, 1988

Date

(504) 866-3846

Telephone No. (Include Area Code)

TELECOMMUNICATIONS CONSULTANT

Relationship to Applicant (e.g., Consulting Engineer)

BROADCAST TECHNICAL, INC.

PO BOX 13475

NEW ORLEANS, LA 70185

Address (Include ZIP Code)

**EXHIBIT E
ENGINEERING STATEMENT
ON BEHALF OF
JUPITER BROADCASTING INC.
IN SUPPORT OF AN APPLICATION FOR
A NEW FM STATION
CH. 258-A 99.5 MHz. 3 kW 100 METERS
JUPITER, FLORIDA**

INTRODUCTION

This engineering statement, together with Section V-B of FCC Form 301 to which it is attached as Exhibit E, furnishes technical data in support of an application by Jupiter Broadcasting Inc. for a new FM Broadcast facility licensed to Jupiter, Florida.

All calculations, contours and other technical information contained in or attached to this statement have been determined in accordance with the existing rules of the Federal Communications Commission.

ALLOCATION STUDY

The FCC has assigned FM Broadcast Channel 258-A to the community of Jupiter, Florida (see Docket 87-233). Figure 1 of this exhibit presents the results of a detailed channel allocation study. As shown in this figure, the proposed site meets all minimum distance separations pursuant to the Commission's rules and regulations.

TRANSMITTER, STUDIO AND REMOTE CONTROL LOCATIONS

The proposed transmitting site is located approximately .12 kilometers due East of State Road 811, adjacent to Jupiter Inlet Waterway in the City of

Jupiter, Palm Beach County, Florida. The exact location is shown on Figure 2, which is a full size reproduction of a section of the "Jupiter, Florida" Quadrangle map. A reduced copy of the entire quadrangle is attached as Figure 2A for informational purposes.

The studios and remote control location will be located within the city limits of Jupiter, at a site to be determined.

TOWER AND ANTENNA SYSTEM

The antenna system to be employed for the proposed FM operation at Jupiter will consist of a three-bay circularly polarized FM antenna, side mounted on a new, uniform cross section, guyed steel tower as shown in the antenna sketch attached as Figure 3. The geographic coordinates and ground elevation above mean sea level are included in this sketch.

ELEVATION AND CONTOUR DATA

The average elevations from three to sixteen kilometers from the proposed site along the eight required radials were determined using a computer method in accordance with the procedures specified in Section 73.312(d) using the 30 Second Point Data File of the National Geophysical Data Center.

The 0, 45, 90, and 135 degree radials reach the ocean between three and sixteen kilometers from the site. On these radials, terrain averages were computed according to the procedures outlined in 47 CFR Section 73.313(d)(2).

The 45, 90, and 135 degree radials lie entirely over water and the 50 microvolt per meter contour for these radials does not encompass land area beyond 16 kilometers from the site. Accordingly, these radials are not included

in the calculation of average antenna elevation as per 73.313(d)(2)

On the 0 degree radial, part of the radial encompasses land area but the 50 microvolt per meter contour does not encompass land area beyond 16 kilometers from the site. Therefore, on this radial, terrain averages were computed from 3 kilometers to the extent of land.

Figure 4 is a tabulation of average elevations, effective antenna heights and distances to the 70 dBu and 60 dBu coverage contours. The contour data of Figure 4 were determined through a computer method similar to the method outlined in Section 73.313 of the FCC Rules.

The proposed 3.16 mV/m (70 dBu) and 1.0 mV/m (60 dBu) contours have been plotted from the data in Figure 4 and are shown, along with the shaded legal boundaries of Jupiter on the coverage map attached as Figure 5. As illustrated on Figure 5, the proposed 3.16 mV/m (70 dBu) contour covers all of Jupiter. The proposal, therefore, fully complies with 47 CFR 73.315.

AUXILIARY POWER

Emergency power generating equipment will be installed at the studio and transmitter site to ensure uninterrupted service to the community of Jupiter in the event of a commercial power failure.

AERONAUTICAL AND ENVIRONMENTAL IMPACT CONSIDERATIONS

A Notice of Proposed Construction or Alteration, FAA Form 7460-1 has been filed with the FAA's Southern Regional Office at East Point, Georgia, as indicated in Section V-B, paragraph 5, and is included in this report as Figure 6.

The proposed antenna installation would utilize a newly constructed 109

meter guyed tower structure and would not have a significant environmental effect according to Section 1.1307 of the Commission's rules.

According to information supplied by the applicant, the proposed site is zoned commercial and is not a subject of controversy locally on environmental grounds. The site is not believed to be near any officially designated wilderness area, wildlife preserve, or any culturally, historically, architecturally, or archeologically significant feature.

The site is not located in a floodplain, and no change in the character of the site is proposed as a part of the construction. No change in grade or land surface is proposed. The site will experience little change in human presence as a result of the proposed construction.

NON-IONIZING RADIATION CALCULATIONS

In accordance with the new section 1.1307(b) of the Commission's rules, an assessment was made of the proposed facility's radio frequency radiation levels. OST Bulletin No.65 dated October 1985 was utilized to determine that the proposed facility would not exceed any standards for radio frequency radiation as defined by ANSI C95.1-1982.

Study of the area within 1000 meters of the proposed site reveals no other likely sources of non-ionizing electromagnetic radiation (NIE) at broadcast frequencies. Thus, the existing ground level NIE values near the base of the proposed structure are believed to be negligible. Precise calculations are made only with regards to the radiation attributable to the facilities proposed herein.

The general analysis was done by making certain assumptions, then calculating the power density at ground level and finding the percentage of the